

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 16136US02)

*In the Application of:*

Severine Catreux-Erceg et al.

**Serial No.:** 10/801,930

**Filed:** March 16, 2004

**For: MULTI-ANTENNA  
COMMUNICATIONS SYSTEMS  
UTILIZING RF-BASED AND BASEBAND  
SIGNAL WEIGHTING AND COMBINING**

**Examiner:** Sophia Vlahos

**Group Art Unit:** 2611

**Confirmation No.:** 4709

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Transmitted via the Office electronic filing  
system **August 12, 2010.**

**APPLICATION FOR RECONSIDERATION OF THE  
DETERMINATION OF PATENT TERM ADJUSTMENT  
UNDER 35 U.S.C. 154(b)  
ACCOMPANYING THE NOTICE OF ALLOWANCE  
(37 CFR § 1.705)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed May 27, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 1434 days.

The bases under § 1.702 for the adjustment are as follows.

### **Positive Patent Term Adjustment**

#### **Three Year Guarantee (35 USC § 154(b)(1)(B))**

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 990 days, minus 0 days consumed by an appeal, for a net adjustment of 990 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was March 16, 2004,
- the third anniversary of the actual filing date was March 16, 2007,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on November 30, 2009.
- the first RCE was filed 990 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

### **Reductions in Patent Term Adjustment**

#### **Removing Overlap**

- Two or more grounds of delay overlap from March 16, 2007, to May 3, 2007, totaling 48 days of delay.

This overlap has been subtracted from the patent term adjustment in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR.

### **Net Patent Term Adjustment**

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

### **Positive Patent Term Adjustment**

- **Three Year Guarantee**  
(35 USC § 154(b)(1)(B))

	<b>Patent Term Adjustment (days)</b>
<b>USPTO Calculation</b>	0
<b>Applicant Calculation</b>	990

### **Reductions in Patent Term Adjustment**

- **Removing Overlap**

	<b>Patent Term Adjustment (days)</b>
<b>USPTO Calculation</b>	0
<b>Applicant Calculation</b>	48

### **Conclusion**

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO

Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1434 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: August 12, 2010

By: /Michael T. Cruz/  
Michael T. Cruz  
Reg. No. 44,636  
Attorney for Applicants

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# Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/801,930			
Filing or 371(c) Date:	03-16-2004	USPTO Delay (PTO) Delay (days):	-
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Petitions (days):	-	Total PTA (days):	492
USPTO Adjustment(days):	-	Explanation Of Calculations	

## Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
05-27-2010	Mail Notice of Allowance		
05-20-2010	Document Verification		
05-20-2010	Notice of Allowance Data Verification Completed		
03-16-2010	Date Forwarded to Examiner		
02-23-2010	Response after Non-Final Action		
12-28-2009	Mail Non-Final Rejection		
12-22-2009	Non-Final Rejection		
12-02-2009	Date Forwarded to Examiner		
12-02-2009	Disposal for a RCE / CPA / R129		
11-30-2009	Request for Extension of Time - Granted		
11-30-2009	Workflow - Request for RCE - Begin		
07-30-2009	Notice of Appeal Filed		3
07-21-2009	Mail Advisory Action (PTOL - 303)		⌚
07-20-2009	Advisory Action (PTOL-303)		⌚
07-02-2009	Date Forwarded to Examiner		⌚
06-29-2009	Amendment after Final Rejection		⌚
04-27-2009	Mail Final Rejection (PTOL - 326)		⌚
04-24-2009	Final Rejection		
03-17-2009	Date Forwarded to Examiner		
02-17-2009	Response after Non-Final Action		64
02-17-2009	Request for Extension of Time - Granted		⌚
09-15-2008	Mail Non-Final Rejection		⌚
09-12-2008	Non-Final Rejection		
06-20-2008	New or Additional Drawing Filed		
07-18-2008	Date Forwarded to Examiner		
06-20-2008	Response after Non-Final Action		31
06-20-2008	Request for Extension of Time - Granted		⌚
02-20-2008	Mail Non-Final Rejection		⌚
02-19-2008	Non-Final Rejection		
11-28-2007	Date Forwarded to Examiner		
11-14-2007	Response after Non-Final Action		61
11-14-2007	Request for Extension of Time - Granted		⌚
07-30-2007	Case Docketed to Examiner in GAU		⌚
06-14-2007	Mail Non-Final Rejection		⌚
06-11-2007	Non-Final Rejection		
03-14-2005	Information Disclosure Statement considered		
06-06-2007	Date Forwarded to Examiner		
06-01-2007	Response to Election / Restriction Filed		

05-03-2007	Mail Restriction Requirement	717	
04-30-2007	Requirement for Restriction / Election		🔍
03-29-2007	Case Docketed to Examiner in GAU		🔍
03-23-2006	Case Docketed to Examiner in GAU		🔍
03-21-2006	Case Docketed to Examiner in GAU		🔍
01-25-2006	Case Docketed to Examiner in GAU		🔍
01-18-2006	IFW TSS Processing by Tech Center Complete		🔍
01-18-2006	Case Docketed to Examiner in GAU		🔍
10-21-2005	Miscellaneous Incoming Letter		🔍
03-14-2005	Reference capture on IDS		🔍
03-14-2005	Information Disclosure Statement (IDS) Filed		🔍
03-14-2005	Information Disclosure Statement (IDS) Filed		🔍
11-01-2005	Application Return from OIPE		🔍
11-01-2005	Application Is Now Complete		🔍
10-26-2005	Correspondence Address Change		🔍
10-26-2005	Change in Power of Attorney (May Include Associate POA)		🔍
10-26-2005	Correspondence Address Change		🔍
10-26-2005	Application Return TO OIPE		🔍
10-26-2005	Application Dispatched from OIPE		🔍
10-26-2005	Application Is Now Complete		🔍
11-08-2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	66	
06-03-2004	Notice Mailed--Application Incomplete--Filing Date Assigned		🔍
04-13-2004	Cleared by OIPE CSR		
03-25-2004	IFW Scan & PACR Auto Security Review		
03-16-2004	Initial Exam Team nn		

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PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No.

10/801,930

Docket No. 16136US02

DATE	EVENT	PTO Calculation		Applicant Calculation	
		PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
Tuesday, December 07, 2010	Projected issue date				
Thursday, May 27, 2010	Mail Notice of Allowance				
Thursday, May 20, 2010	Document Verification				
Thursday, May 20, 2010	Notice of Allowance Data Verification Completed				
Tuesday, March 16, 2010	Date Forwarded to Examiner				
Tuesday, February 23, 2010	Response after Non-Final Action				
Monday, December 28, 2009	Mail Non-Final Rejection				
Tuesday, December 22, 2009	Non-Final Rejection				
Wednesday, December 02, 2009	Date Forwarded to Examiner				
Wednesday, December 02, 2009	Disposal for a RCE / CPA / R129				
Monday, November 30, 2009	Request for Extension of Time - Granted				
Monday, November 30, 2009	Workflow - Request for RCE - Begin				
Thursday, July 30, 2009	Notice of Appeal Filed			990.00	
Monday, July 27, 2009	Three months after Office action				3.00
Tuesday, July 21, 2009	Mail Advisory Action (PTOL - 303)				
Monday, July 20, 2009	Advisory Action (PTOL-303)				
Thursday, July 02, 2009	Date Forwarded to Examiner				

Monday, June 29, 2009	Amendment after Final Rejection		
Monday, April 27, 2009	Mail Final Rejection (PTOL - 326)		
Friday, April 24, 2009	Final Rejection		
Tuesday, March 17, 2009	Date Forwarded to Examiner		
Tuesday, February 17, 2009	Response after Non-Final Action	64	
Tuesday, February 17, 2009	Request for Extension of Time - Granted		
Monday, December 15, 2008	Three months after Office action		
Monday, September 15, 2008	Mail Non-Final Rejection		
Friday, September 12, 2008	Non-Final Rejection		
Friday, July 18, 2008	Date Forwarded to Examiner		
Friday, June 20, 2008	New or Additional Drawing Filed		
Friday, June 20, 2008	Response after Non-Final Action	31	
Friday, June 20, 2008	Request for Extension of Time - Granted		
Tuesday, May 20, 2008	Three months after Office action		
Wednesday, February 20, 2008	Mail Non-Final Rejection		
Tuesday, February 19, 2008	Non-Final Rejection		
Wednesday, November 28, 2007	Date Forwarded to Examiner		
Wednesday, November 14, 2007	Response after Non-Final Action	61	
Wednesday, November 14, 2007	Request for Extension of Time - Granted		

			64.00
			31.00
			61.00





Wednesday, October 26, 2005	Change in Power of Attorney (May Include Associate POA)	*	
Wednesday, October 26, 2005	Correspondence Address Change	*	
Wednesday, October 26, 2005	Application Return TO OIPE	*	
Wednesday, October 26, 2005	Application Dispatched from OIPE	*	
Wednesday, October 26, 2005	Application Is Now Complete	*	
Wednesday, October 26, 2005	Miscellaneous Incoming	*	
Friday, October 21, 2005	Letter		
Monday, May 16, 2005	14 month date		
Monday, March 14, 2005	Information Disclosure Statement Disclosed		
Monday, March 14, 2005	Reference capture on	*	
	Information Disclosure Statement (IDS) Filed	*	
Monday, March 14, 2005	Information Disclosure Statement (IDS) Filed	*	
Monday, March 14, 2005	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant		65
Monday, November 08, 2004	Three months after Notice of Incomplete--		
Friday, September 03, 2004	Notice Mailed--	*	
Thursday, June 03, 2004	Application Incomplete--		
Tuesday, April 13, 2004	Filing Date Assigned		
	Cleared by OIPE CSR		

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Thursday, March 25, 2004	IFW Scan & PACR Auto Security Review		
Tuesday, March 16, 2004	Initial Exam Team nn		
		<b>PTO (Days)</b>	<b>APPL (Days)</b>
		717	225
<b>PTA</b>	>>>>>>>>>>>>>>>>>>>>	<b>492 Days</b>	

	<b>PTO</b>	<b>APPL</b>
	(Days)	(Days))
	1659	225
	<b>1434 Days</b>	